

From the Human Rights Commission's Rules of Procedure:

RULE 8 COMPLAINTS

8.1 DEFINITIONS:

- 8.1.1 “*UNFAIR PRACTICE*” – the denial of equal access or opportunity in, and/or discrimination in, matters of housing, employment, education, contracts, purchasing or public accommodations, on the basis of race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, marital status, veteran status, receipt of public housing or assistance, or because they have children.
- 8.1.2 “*PERSON*” – shall mean any natural person or legal entity.
- 8.1.3 “*COMPLAINANT*” – shall mean the person or persons filing the complaint.
- 8.1.4 “*RESPONDENT*” – shall mean the person or persons alleged in the complaint to have committed an unfair practice.

8.2 FORM AND FILING:

8.2.1 *WHO MAY FILE:* Any person or persons claiming to be aggrieved by an alleged unfair practice, or the duly authorized representative of such person(s) claiming to be aggrieved, or any organization, whether or not incorporated, whose purposes include the elimination of the unfair practice which is the subject of the complaint, and whose members include persons claiming to be aggrieved by the alleged unfair practice, may file a complaint with the Commission.

8.2.2 *FORM:* The complaint shall be in writing, on a form supplied by the Commission, and signed by the Complainant under the penalties of perjury. Any communication received by the Commission which appears to be in the nature of a complaint will be returned immediately to the person with a copy of the Commission's Complaint Form for completion. The form shall contain:

1. The appropriate identification of the complainant, including full name, address and telephone number.
2. The name or other appropriate identification of the person alleged to have committed the unfair practice.
3. A plain and concise statement of the facts of the alleged unfair practice.
4. The date(s) of the alleged unfair practice.

8.2.3 *FILING:* The complaint may be filed in person or by certified mail to Northampton Human Rights Commission, City Hall, 210 Main Street, Northampton, MA 01060, within 180 days of the occurrence or the last date of the alleged unfair practice.

The Commission shall acknowledge, in writing, receipt of the Complaint within sixty (60) days of its filing, and shall also forward a copy of the Commission's Rules relating to the complaint procedure.

8.3 SERVICE: As soon as possible, or in any event no later than sixty (60) days within the filing of the complaint, the Commission shall cause to be served upon the respondent, at the address furnished by the complainant, a copy of the complaint by certified mail, return receipt requested. The copy of the complaint shall be accompanied by:

1. A notice that the respondent may file an answer to the complaint within the time specified in these rules.
2. A notice to the respondent that the Commission is charged with assessing the merits of the allegations and helping the parties come to a resolution.
3. A notice that the failure to file an answer shall not be construed by the Commission as an admission of the allegations in the complaint, nor shall it prevent the respondent from participating in the Commission's fact finding, or in any attempts to resolve the matter.
4. If the Commission becomes aware of any acts of retaliation the information will be forwarded to the appropriate authorities.

8.4 RESPONDENT'S ANSWER: The Respondent may file a written answer to the complaint, signed under the pains of perjury. The answer shall contain appropriate identification of the parties, and a statement, in short and plain terms, of the respondent's defenses to each item in the complaint, and shall admit or deny the allegations of the complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of any particular allegation, the respondent shall so state. Such statement shall have the effect of a denial.

8.5 REPRESENTATION OF PARTIES: At any stage in proceedings before the Commission, any party may be represented by counsel retained by such party at the party's own expense. The role of such representative at any meeting shall be limited to advising his or her client during such proceedings.

8.6 CONFIDENTIALITY: This section is governed by the Public Records Law, MGL c. 66, the Fair Information Practices Act, c. 66A, and the statutory definition of public records, c.4, ' 7 (26).

8.6.1. All information and documents received in connection with the filing of a complaint shall be confidential and for the internal use of the Commission and its staff, pursuant to c.4, ' 7(26)(c), with the following exceptions:

- a. The complainant, respondent, and witnesses shall be entitled to copies of their own affidavits or other documents signed by them respectively;

- b. The final fact-finding report of the Commission shall be a public document; and
- c. Upon the ultimate disposition of the matter by the Commission, whether by resolution through mediation, referral or dismissal, the materials related to a complaint, including any findings of fact and recommendations issued after fact-finding shall become public records to the extent that their release does not constitute an unwarranted invasion of privacy or otherwise violate the above-cited laws.

8.6.2. Mediation or other conciliation conferences conducted with respect to a complaint shall remain confidential and all information discussed or disclosed during the course of such conference shall not be made public without the written consent of both parties.

8.6.3. Any agreement arising out of mediation or other conciliation conference shall be an agreement between the complainant and the respondent, and shall be made public unless the parties agree otherwise.

8.7. WITHDRAWAL OF COMPLAINT: A Complainant may request withdrawal of a complaint by filing a written and signed request with the Commission, setting forth the reasons therefor.

8.8. INITIAL REVIEW OF COMPLAINT: Upon the filing of a complaint, a subcommittee of three (3) members of the Commission shall review the allegations contained therein, and may dismiss the complaint if it appears on the face of it that the Commission lacks jurisdiction over the parties or the subject matter of the complaint.

8.9. FACT-FINDING:

A. If a complaint has not been dismissed after initial review, a subcommittee of three (3) members of the Commission shall as soon as practicable meet with the complainant, the respondent and any witnesses presented by either party, and shall conduct such other inquiries as it deems necessary, to determine the truth of the allegations of the complaint. Both the complainant and the respondent shall be notified of all such meetings, and shall have the right to attend any such meeting.

B. Referral to mediation: At any point during such inquiries the subcommittee may refer the parties to mediation or other conciliatory process. Where the recommendations include mediation or other conciliatory process, the Commission may make provision for such mediation or conciliation services. Nothing herein shall prevent or prohibit the Commission from providing such mediation or conciliation services at the request of both parties.